

REMARKS

Reconsideration of this patent application is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner has objected to the specification. The specification has been amended to conform to proper USPTO practice.

The Examiner has rejected claims 32-35, 37, and 43-44 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. Claims 32-35, 37 and 43-44 have been amended to more clearly set forth the invention.

The Examiner has rejected claims 23, 25, 28-32, 36, 38 and 39 under 35 U.S.C. 102(e) as being anticipated by Jaeger et al. Claims 23 and 24 have been cancelled and are replaced by independent claims 45 and 46. Claim 29 has been cancelled and its elements are now included in new independent claim 45. Claims 25, 28-32, 36, 38 and 39 have been amended to more clearly set forth the invention.

Jaeger discloses controlling and regulating means that can be arranged in front of a display. The appearance of the front panel can be changed in a simple manner by altering the display screen

behind it via the use of software. However, Jaeger does not disclose that the display screen has to be divided into different areas in terms of software which indicate whether the functional conditions of a defined control line are in motion or standing still. This is primarily because the invention is primarily focusing on the design of the switching and controlling elements. Furthermore, Jaeger seeks to provide a mechanical user interface that changes the static appearance of the front panel. The appearance of the front panel has to be altered with a print of an image that is placed underneath the switching or controlling elements. It is not clear what actually needs to be changed, whether it be the front panel, the display screen, the substrate, or the overall impression reflected by the front panel.

The present invention as described in new independent claim 45, can be used with a simple, commercially available display with high resolution. A front panel or an attachment is mounted on the commercially available display and the switching/controlling elements are arranged on the attachment. Specifically claim 45 discloses "an attachment disposed in front of the flat display and having at least one transparent region." Jaeger does not include this front panel or the transparent regions.

The structure of the present invention, which deviates from Jaeger, uses a commercially available display with high resolution

that can be programmed with commercially available software. Specifically, claim 45 discloses that "the flat display is divided in terms of software into a plurality of areas." Thus, it can be easily controlled and does not require any special knowledge or skills for special software that would prevent it from being applied on a broad application scale.

The Examiner has rejected claims 26, 33-35, 37, 39, and 40-42 under 35 U.S.C. 103(a) as being unpatentable over Jaeger '428, in view of Jaeger '955. The applicant believes that independent claims 45 and 46 have been distinguished over Jaeger '428 and therefore that all dependent claims have been distinguished. Further, Jaeger '955 is primarily used to make the flat display obvious which is not a primary focus of the present invention since a commercially available display screen may be used with the present invention.

Jaeger '955 introduces a device having an integrated display with switching and controlling elements. The display shows the operator or user of the device instantaneous changes and switching conditions of a defined control line located within direct proximity of the switching or controlling elements. The display is divided into individual areas located around the switching or controlling element. This division of the display is by way of software. The graphical representation around the switching-

controlling element can be altered in any desired manner when a new function is to be effected with the respective switching or controlling element.

Jaeger '955 mentions that it is possible to use other programable displays, however Jaeger does not indicate that a commercially available display without breakthroughs and recesses in its surface can be used. Contrary to the present invention, Jaeger '955 has a particularly complicated overall structure. The actual surface of the display in Jaeger is penetrated by the switching or controlling elements, so that the control buttons are directly arranged on the surface of the display, and the electrical switching or controlling elements to be moved are accommodated below the display. Thus, a mechanical lever system must be installed through the entire display and its periphery, to adjust the electrical switching or controlling elements.

The display of Jaeger '955 does not allow for commercially available software and a commercially available display that are substantially less expensive and safer than an individual software that the user first has to learn to work with and has to train with in order to be able to apply it. Specifically, the present invention discloses in claim 45 that the commercially available "flat display is divided into a plurality of areas via software." The commercially available software is already known in most cases

and can be safely operated and purchased at more favorable cost. These indisputable benefits versus the cited references provide evidence indicative of the presence of an inventive activity. The present invention provides for a less expensive option and operational safety, which cannot be achieved with the complicated device known from the references cited by the Examiner.

The Examiner has rejected claims 27 and 43-44 under 35 U.S.C. 103(a) as being unpatentable over Jaeger et al in view of Levin et al. The applicant believes that independent claims 45 and 46 have been distinguished over Jaeger and therefore that all dependent claims have been distinguished. Further, Levin is primarily used to make the flat display obvious. However, the flat display is not a primary focus of the present invention since a commercially available display screen may be used with the present invention.

The cited references do not put into question the inventive activity and certainly not the novelty of the present invention, when viewed individually or in combination.

The present invention represents a significant technical simplification combining novel features that lead to the simplifications and cost savings benefitting both the manufacturer and the user. These benefits would not have been gained without inventive activity and cannot be explained by an expert of average

skill who is confronted with the problem of providing at favorable cost switching/controlling surface that is more user-friendly than the one known in the cited references.

The invention is based on the problem of providing an arrangement that is easy to manufacture, user friendly, safe in its application, and more favorably in terms of cost than the switching surfaces known in the market.

Claims 23-24 and 29 have been cancelled without prejudice. Claims 25-28, and 30-44 have been amended. Claims 44-45 have been added. No new matter has been added. Accordingly, the Applicant submits that the claims as presented are patentable over the references cited, taken either singly or in combination.

Early allowance of the amended claims is respectfully requested.

Respectfully submitted,  
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